

SB 350 S

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WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

Committee Substitute for

SENATE BILL NO. 350

(By Senator Minard, et al)

PASSED March 9, 2006

In Effect from Passage

FILED

2006 APR -5 P 3: 09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 350

(SENATORS MINARD, FANNING, PREZIOSO, UNGER,
BOLEY AND MINEAR, *original sponsors*)

[Passed March 9, 2006; in effect from passage.]

AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended; all relating generally to the promulgation of administrative rules by the Department of Health and Human Resources and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing

certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to assisted living residences; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to Alzheimer's/dementia special care units and programs; authorizing Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to hospital licensure; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to cancer registry; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions; and authorizing Department of Health and Human Resources to promulgate a legislative rule relating to regulation of opioid treatment programs.

Be it enacted by the Legislature of West Virginia:

That article 5, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

- 1 (a) The legislative rule filed in the State Register on the
- 2 twenty-seventh day of July, two thousand five, authorized
- 3 under the authority of section five, article five-d, chapter

4 sixteen of this code and of section five, article five-r of
5 said chapter, modified by the Department of Health and
6 Human Resources to meet the objections of the Legislative
7 Rule-Making Review Committee and refiled in the State
8 Register on the twenty-first day of December, two thou-
9 sand five, relating to the Department of Health and
10 Human Resources (assisted living residences, 64 CSR 14),
11 is authorized.

12 (b) The legislative rule filed in the State Register on the
13 twenty-fifth day of July, two thousand five, authorized
14 under the authority of section five, article five-r, chapter
15 sixteen of this code, modified by the Department of Health
16 and Human Resources to meet the objections of the
17 Legislative Rule-Making Review Committee and refiled in
18 the State Register on the twenty-first day of December,
19 two thousand five, relating to the Department of Health
20 and Human Resources (Alzheimer's/dementia special care
21 units and programs, 64 CSR 85), is authorized.

22 (c) The legislative rule filed in the State Register on the
23 nineteenth day of July, two thousand five, authorized
24 under the authority of section eight, article five-b, chapter
25 sixteen of this code, modified by the Department of Health
26 and Human Resources to meet the objections of the
27 Legislative Rule-Making Review Committee and refiled in
28 the State Register on the eighteenth day of January, two
29 thousand six, relating to the Department of Health and
30 Human Resources (hospital licensure, 64 CSR 12), is
31 authorized.

32 (d) The legislative rule filed in the State Register on the
33 twenty-eighth day of July, two thousand five, authorized
34 under the authority of section nine-a, article one, chapter
35 sixteen, of this code, modified by the Department of
36 Health and Human Resources to meet the objections of the
37 Legislative Rule-Making Review Committee and refiled in
38 the State Register on the twenty-second day of December,
39 two thousand five, relating to the Department of Health

40 and Human Resources (public water systems, 64 CSR 3), is
41 authorized.

42 (e) The legislative rule filed in the State Register on the
43 twenty-eighth day of July, two thousand five, authorized
44 under the authority of section four, article one, chapter
45 sixteen of this code, and of section four, article thirty-five
46 of said code, modified by the Department of Health and
47 Human Resources to meet the objections of the Legislative
48 Rule-Making Review Committee and refiled in the State
49 Register on the twenty-second day of December, two
50 thousand five, relating to the Department of Health and
51 Human Resources (lead abatement licensing, 64 CSR 45),
52 is authorized.

53 (f) The legislative rule filed in the State Register on the
54 twenty-ninth day of July, two thousand five, authorized
55 under the authority of sections four and eleven, article one,
56 chapter sixteen of this code, modified by the Department
57 of Health and Human Resources to meet the objections of
58 the Legislative Rule-Making Review Committee and
59 refiled in the State Register on the twenty-second day of
60 December, two thousand five, relating to the Department
61 of Health and Human Resources (fees for permits, 64 CSR
62 30), is authorized, with the following amendment:

63 On page three, subsection 3.12, by striking out the words
64 "two hundred fifty (250)" and inserting in lieu thereof the
65 words "five hundred (500)";

66 On line twelve, subsection 3.12, after the word "people.",
67 by inserting the following: "The term shall not include
68 assembly in any outdoor venue ordinarily used and
69 equipped for such events.";

70 And,

71 On page seven, subsection 4.8, after the word "revision.",
72 by inserting the following: "The Commissioner may not
73 approve any fees that exceed an increase of twenty-five
74 percent per year of the local board's current fees, up to the

75 maximum amount permitted. In the event the local board
76 is requesting a fee for a service on which it does not
77 currently impose a fee, the Commissioner may approve a
78 fee that is no greater than twenty-five percent of the
79 maximum amount.”

80 (g) The legislative rule filed in the State Register on the
81 twenty-ninth day of July, two thousand five, authorized
82 under the authority of section two-a, article five-a, chapter
83 sixteen of this code, modified by the Department of Health
84 and Human Resources to meet the objections of the
85 Legislative Rule-Making Review Committee and refiled in
86 the State Register on the twenty-second day of December,
87 two thousand five, relating to the Department of Health
88 and Human Resources (cancer registry, 64 CSR 68), is
89 authorized.

90 (h) The legislative rule filed in the State Register on the
91 twenty-ninth day of July, two thousand five, authorized
92 under the authority of section four, article one, chapter
93 sixteen of this code, modified by the Department of Health
94 and Human Resources to meet the objections of the
95 Legislative Rule-Making Review Committee and refiled in
96 the State Register on the twenty-second day of December,
97 two thousand five, relating to the Department of Health
98 and Human Resources (reportable diseases, events and
99 conditions, 64 CSR 7), is authorized.

100 (i) The legislative rule filed in the State Register on the
101 twenty-sixth day of July, two thousand five, authorized
102 under the authority of section four, article one, chapter
103 sixteen of this code, modified by the Department of Health
104 and Human Resources to meet the objections of the
105 Legislative Rule-Making Review Committee and refiled in
106 the State Register on the twenty-first day of December,
107 two thousand five, relating to the Department of Health
108 and Human Resources (regulation of opioid treatment
109 programs, 64 CSR 90), is authorized.

Enr. Com. Sub. for S. B. No. 350] 6

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Candy White

.....
Chairman Senate Committee

R. Ben

.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell Adams

.....
Clerk of the Senate

Greg M. Bur

.....
Clerk of the House of Delegates

Earl Ray Tomblin

.....
President of the Senate

Robert

.....
Speaker House of Delegates

The within *is approved* this the *9th*

Day of *April*, 2006.

Paul M. Hancock

.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 3 0 2006

Time 12:15pm